

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Lawrence Waldman, et. al.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:10cv238
vs.	:	
	:	Chief Judge Susan J. Dlott
Kenneth B. Pitcher,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on June 21, 2011 a Report and Recommendation (Doc. 30). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 31) and plaintiffs filed a response to the objections (Doc. 32). Defendant's filed a reply memorandum in support of his objections to the report and recommendation.

The Court entered an Order on August 3, 2011 (Doc. 35) granting plaintiffs request to file a sur-reply by August 16, 2011. Plaintiff did file a Supplemental Memorandum Supporting the Report and Recommendation (Doc. 36).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, plaintiffs' motion to dismiss (Doc. 21) is **GRANTED**.

Defendant's motion for summary judgment (Doc. 22) is **DENIED AS MOOT**.

This case is **DISMISSED WITHOUT PREJUDICE** with the parties to bear their own costs.

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court